

DEC 13 2005

Customer Number 000027683

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

*In re:* Application of:  
Wells

Application Number: 10/088,129

Filed: August 5, 2002

For: Nuclear Transfer with Selected  
Donor Cells§  
§  
§  
§  
§  
§  
§  
§

Attorney Docket Number: 36697.6

Confirmation Number: 1451

Art Unit: 1638

Examiner: *To be assigned*PETITION UNDER 37 C. F. R. §1.59(B) TO EXPUNGE INFORMATION  
UNINTENTIONALLY SUBMITTED IN AN APPLICATION FILE

VIA FACSIMILE - 571-273-8300

MAIL STOP PETITION  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This Petition to Expunge concerns unintentionally-submitted information presented by the Petitioner in the form of a Supplemental Information Disclosure Statement (SIDS) filed on September 7, 2005 for the above-referenced application. Therefore, in accordance with 37 C. F. R. §1.59(b), the Petitioner requests that the Supplemental Information Disclosure Statement, United States Patent and Trademark Office Form-1449, and all references cited therein to be expunged from the file history.

The Supplemental Information Disclosure Statement filed on September 7, 2005 contained information that is unrelated to the present application, and was erroneously submitted in the present application due to a clerical oversight. This SIDS contains references that are related to another separate matter presently pending before the Office, and are unrelated to this application. Thus, consideration of the erroneously-filed SIDS and each reference cited therein by the Examiner represents an undue burden on the Office, and a particularly undue burden upon the Examiner, as the references cited therein are not applicable to the above-captioned application.

Moreover, since consideration by the Office of this erroneously-submitted SIDS could also lengthen the time of examination and cause a potential delay in the issuance of a patent, expungement of this SIDS is also requested to prevent undue burden upon Petitioner.

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Petitioner believes that since an initial office action on the merits has not yet been received in this case, the Office can successfully expunge: (1) the Information Disclosure Statement, (2) the accompanying PTO-Form 1449 and (e) copies of all references cited therein, and can successfully return these documents to Applicant prior to issuance of any Action on the merits.

As stated above, the Information to be expunged was unintentionally submitted to the Patent Office, and failure to obtain expungement of these documents and return the Information to Applicant would make the information publicly available, which may cause irreparable harm to both the Petitioner and the party of interest on whose behalf the Information was originally intended.

The Petitioner commits to retaining copies of the expunged Information for the period of any patent arising from the subject application, and will file a replacement Supplemental Information Disclosure Statement with the appropriate references upon grant of Applicant's petition and notification of expungement by the Office.


Petitioner confirms that the Information to be expunged is not material to the application under 37 C. F. R. § 1.56.

Included herewith is a check in the amount of \$200.00 for payment of the Petition fee as set forth in 37 C. F. R. §1.17(g). However, the Commissioner is hereby authorized to charge any deficiencies and/or credit any overpayment to the Deposit Account Number of Haynes and Boone, LLP 08-1394. **This form submitted in duplicate.**

Petitioner respectfully requests grant of petition and return of Information to be expunged from the file history as indicated above. Should the Petitions Examiner have any questions or comments regarding the subject petition, the Examiner is invited to telephone the undersigned at the number listed below.

Respectfully submitted,

Date: 13 Dec 2005  
Haynes and Boone, LLP  
901 Main Street, Suite 3100  
Dallas, Texas 75202  
Phone: [713] 547-2040  
Facsimile: [214] 200-0853

  
Mark D. Moore, Ph.D.  
Agent for Applicants  
Registration Number 42,903

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## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office Central Facsimile Number (571-273-8300) on the date shown below.

Date: 12-13-05Printed Name: Kim HennessySignature: Kim Hennessy

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Haynes and Boone, LLP  
Attorneys and Counselors  
One Houston Center  
1221 McKinney Street, Suite 2100  
Houston, Texas 77010-2007  
Phone: (713) 547-2000  
Fax: (713) 547-2600  
www.haynesboone.com

Date: December 13, 2005

Total Pages Including Cover: 3

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To: Commissioner for Patents - Mail Stop Petition      Company: U.S. Patent & Trademark Office  
Fax: 571-273-8300      Telephone:  
Client/Matter: 36697.6

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From: Mark D. Moore, Ph.D.      ID No.: 81116  
Direct Telephone: 713-547-2040  
Direct Fax: 713-236-5562  
Email Address: mark.moore@haynesboone.com

Should you have any problem with this transmission, please call: 713-547-2047

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